

REMARKS

Applicants thank the Examiner for her thorough review of the application.

Applicants note that claims 9, 13-14, 20, and 24-26 have been identified as allowable, and thank the Examiner.

Allowability of Claims 11, 12, 15-19, and 21-23

Independent claims 11 (and its dependent claims 12 and 15), 16 (and its dependent claims 17-19), and 21 (and its dependent claims 22 and 23) have been rejected under 35 U.S.C. §102, as being anticipated by either Ogden or Williams Sound. Applicants respectfully traverse these rejections.

Applicants point out that independent claims 11, 16, and 21 each require transmitting sound collected at a particular event via a "transmission protocol *uniquely associated* with [the] event." (emphasis added). At page 7, lines 20-27, of the application this limitation is discussed:

As can be seen from Figure 3A, during a first event, transmitter 108 transmits its collected signal via a first transmission protocol uniquely associated with the first event. The fan 110 in attendance at the first event is wearing a receiver designed to operate and receive transmissions made in accordance with the first transmission protocol. During a second event, depicted in Figure 3B, however, transmitter 108 will be transmitting under a second transmission protocol, so that if a fan 110 in attendance at the second event tries to use a receiver from the first event, that fan 110 will be unable to receive the transmission that is being broadcasted.

The preceding passage makes clear that a transmission protocol is "uniquely associated" with a first event, if a receiver (which received signals transmitted via a first protocol at the first event) is unable to be used at a second event (during which signals are transmitted via a second protocol). Such a feature is useful, for example, in ensuring that a receiver purchased at a first event cannot be used at a second event.

Applicants point out that neither Ogden nor Williams Sound teaches transmitting a sound collected at a particular event via a transmission protocol "uniquely associated" with the event, as required by the aforementioned independent claims. Briefly, Ogden

mentions only that the transmission may be placed in the commercial AM or FM band, but says nothing regarding uniquely associating the transmission protocol with the event. See Ogden, col. 4, lines 19-23. Similarly, Williams Sound states only that the transmission may occur at one of few frequencies at which the transmitter may operate. Williams Sound says nothing about uniquely associating the transmission protocol with an event. Both references fail to state such a teaching, because they do not address the issue of preventing a receiver purchased at one event from being used at a second event. It is not possible to be motivated to solve a problem one is unaware of, to begin with. Thus, Ogden and Williams not only fail to anticipate these claims, they fail to render them obvious, as well. For these reasons, Applicants respectfully request withdrawal of the rejection of claims 11, 12, 15-19, and 21-23.

Allowability of Claims 1-8 and 10

Independent claim 1 has been amended to require "providing an earpiece, in exchange for money, to at least one of said plurality of individuals within said fixed space." Applicants respectfully point out that neither Ogden nor Williams Sound teach providing an earpiece to individuals within a fixed space in exchange for money (e.g., by selling the earpiece or renting the earpiece). In fact, neither Ogden nor Williams Sound teaches any method of conducting a business using the technology taught by those references. Accordingly, a rejection under 35 U.S.C. §102 is improper under these references, because neither teaches "providing an earpiece, in exchange for money, to at least one of said plurality of individuals within said fixed space." For this reason, Applicants respectfully request withdrawal of the rejection of claims 1-8 and 10.

Conclusion

Claims 1-26 remain pending in the application. All claims are believed to be allowable for the reasons set forth above. This amendment is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the

Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve such concerns.



Dated: 21 May 2003

Respectfully submitted,

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S/N 09/716,314

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| Applicant: | Saliterman | Examiner: | Grier, Laura A. |
| Serial No.: | 09/716,314 | Group Art Unit: | 2644 |
| Filed: | November 20, 2000 | Docket No.: | 13432.1-US-01 |
| Title: | PERSONAL LISTENING DEVICE FOR ARENA EVENTS | | |

CLAIM AMENDMENTS—MARKUP

1. (Once Amended) A method of delivering sound to a plurality of individuals, the method comprising the steps of:
 - collecting an acoustic audio signal generated at a first location within a fixed space;
 - [conditioning said audio signal, without introducing audio signals generated from outside said first location; and]
 - providing an earpiece, in exchange for money, to at least one of said plurality of individuals within said fixed space; and
 - transmitting said conditioned audio signal to said earpiece worn by said at least [one of said plurality of] individual[s] within said fixed space.